

From the Upper Chamber



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Report for Thursday, March 20, 2008

The thirty-fourth day of the 2008 legislative session was called to order by Lieutenant Governor **Casey Cagle** .

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Resolution 1201 was read for the first time and assigned to committee. The clerk then read the reports of standing committees and second readers.

After the morning roll call, Sen. **Ralph Hudgens** of the 47th led the Senate in the Pledge of Allegiance. He then introduced the *Chaplain of the Day*, Dr. **Stewart Sims** of Beech Haven Baptist Church in Athens, who led the Senate in the daily devotional.

Sen. **Ed Tarver** of the 22nd rose on a Point of Personal Privilege to urge the Senate's support on a resolution recognizing Judge **Jack Ruffin** on the occasion of his retirement from the Court of Appeals.

Lt. Gov. **Cagle** paused to recognize representatives of the Department of Transportation (DOT) who were visiting the Senate.

Sergeant-at-Arms **Lorenzo Wallace** escorted Sen. **Tim Golden** of the 8th and his guest, Mr. **William Pope "Billy" Langdale** , to the rostrum. The clerk read SR 1149, which commends Mr. **Langdale** for his years of service on the State Transportation Board. Sen. **Golden** spoke to the resolution.

SR 1194-1200 were read and adopted.

The clerk read House Bill 983, which allows law enforcement from neighboring states to cross into Georgia while in pursuit of a suspect. Sen. **John Douglas** of the 17th took the well to present the bill.

HB 983 passed by a vote of 46 to 1.

The clerk read SR 1041, which commends law enforcement agencies, government entities and volunteers who assisted in the investigation of **Meredith Emerson** 's abduction earlier this year. Sen. **Chip Pearson** of the 51st took the rostrum to speak to the resolution.

The clerk read HB 1027, which allows the Department of Driver Services to establish online defensive driving courses. Sen. **John Bulloch** of the 11th took the well to present the bill and Amendment 1, which authorizes courts to require individuals to attend these clinics. He yielded to questions from Senators **Joseph Carter** of the 13th, **Dan Moody** of the 56th, **Steve Thompson** of the 33rd and **Douglas** .

Sen. **Jeff Mullis** of the 53rd took the well to speak in support of the bill, mentioning his concern over some of the tactics used by those who oppose the bill.

Sen. **Carter** took the well to present Amendment 2, which restricts serious offenders from participating in online driver courses. He yielded to questions from Sens. **Ross Tolleson** of the 20th and **David Shafer** of the 48th.

Sen. **Emanuel Jones** of the 10th took the well to speak in support of the bill.

Sen. **Bulloch** took the well to close the debate and speak against Amendment 2.

Amendment 1 was unanimously adopted.

Amendment 2 was adopted by a vote of 24 to 17.

Amendment 3, which defines the term "biometrics" for the use of verifying an individual's identity, was unanimously adopted.

The Committee Substitute to HB 1027 was unanimously adopted as amended.

HB 1027 passed by substitute by a vote of 36 to 12.

The clerk read SR 1199, which recognizes **Richard "Dick" Pettys** on the occasion of his retirement as a veteran political journalist covering Georgia politics. President Pro Tempore **Eric Johnson** of the 1st took the rostrum to speak to the resolution.

Sen. **Thompson** of the 33rd moved that Senate Rule 8-1.7a be read, which states that no senator will speak more than twice during a debate until everyone wishing to speak has had the opportunity. There was no objection.

The clerk read HB 1222, which allows licensing boards to take disciplinary action against health care providers who engage in inappropriate behavior through participation in the *Health Share Volunteers in Medicine Act* or the *Georgia Volunteers in Health Care Specialties Act*. Sen. **Greg Goggans** of the 7th took the well to present the bill.

The Committee Substitute to HB 1222 was unanimously adopted.

HB 1222 passed by substitute by a vote of 46 to 0.

Sen. **Jack Murphy** of the 27th moved that HB 77 be removed from the table and placed at the foot of the calendar. There was no objection.

Sen. **Balfour** moved that the Senate adopt the Conference Committee Report to HB 989. There was no objection.

Sen. **Jack Hill** of the 4th took the well to present the Conference Committee Report to HB 989, outlining the changes to the FY 08 amended budget.

The Conference Committee Report to HB 989 was adopted by a vote of 48 to 0.

Sen. **Hill** of the 4th moved for the immediate transmittal of HB 989 to the Governor. The motion passed by a vote of 49 to 1.

The clerk read HB 1245, which makes significant reforms to the current indigent defense system. Sen. **John Wiles** of the 37th took the well to present the bill and Amendment 2, which provides for several language clarifications.

Sen. **Seth Harp** of the 29th took the well to present Amendment 1, which requires that counsel must be offered within the first 72 hours that a defendant is taken into custody.

Sen. **Mitch Seabaugh** of the 28th took the well to speak against Amendment 1.

Amendment 1 failed by a vote of 16 to 18.

Amendment 2 was unanimously adopted.

The Committee Substitute to HB 1245 was unanimously adopted as amended.

HB 1245 passed by substitute by a vote of 38 to 11.

The clerk read HB 77, which requires local governments to apply for a permit from the DOT for the installation of red light cameras.

Sen. **Chip Rogers** of the 21st moved that Amendment 1 be withdrawn. There was no objection.

Sen. **Cowsert** moved that Amendment 3 be withdrawn. There was no objection.

Sen. **Nan Orrock** of the 36th moved that Amendments 7 and 10 be withdrawn. There was no objection.

Sen. **Murphy** took the well to present the bill and Amendment 8, which clarifies language in the bill. He also spoke against Amendment 11, which would dedicate half the

revenue generated from red light cameras to trauma care funding. He yielded to questions from Sen. **Renee Unterman** of the 45th.

Sen. **Johnson** took the well to speak against Amendment 11 and yielded to questions from Sens. **Unterman** , **Thompson** of the 33rd and **Seabaugh** .

Sen. **Douglas** took the well to speak to the bill and Amendment 9, which would change the date for conducting public hearings on the use of red light cameras. He yielded to questions from Sens. **Johnny Grant** of the 25th and **Murphy**.

Sen. **Bill Jackson** of the 24th took the well to speak against the bill.

Sen. **Johnson** took the gavel to preside over the Senate.

Sen. **Orrock** took the well to present Amendment 11. She yielded to questions from Sens. **Douglas** and **Unterman** .

Sen. **Moody** took the well to present Amendment 12, which requires adults to wear seat belts in pickup trucks.

Lt. Gov. **Cagle** took the gavel to preside over the Senate.

Sen. **Don Thomas** of the 54th took the well to speak in support of the bill.

Sen. **Unterman** took the well to speak in support of the bill and address the need for trauma care funding.

Amendment 8 was unanimously adopted.

Amendment 9 failed by a vote of 1 to 33.

Amendment 11 failed by a vote of 11 to 22.

Sen. **Moody** moved that Amendment 12 be withdrawn. There was no objection.

The Committee Substitute to HB 77 was unanimously adopted as amended.

HB 77 passed by substitute by a vote of 45 to 5.

Sen. **Preston Smith** of the 52nd moved that the Senate agree to the House Substitute to Senate Bill 145 as amended. The underlying bill allows for life without parole to be a sentencing option in murder cases. Sen. **Smith** took the well to present Amendment 1, which requires a unanimous jury verdict to receive the death penalty.

Sen. **Kasim Reed** of the 35th took the well to speak in support of the bill and Amendment 1. He yielded to questions from Sens. **Hudgens** and **Thompson** of the 33rd.

Sen. **Harp** took the well to speak in support of Amendment 1.

The Senate agreed to the House Substitute to SB 145 as amended by a vote of 44 to 7.

Sen. **Dan Weber** of the 40th moved that the Senate agree to the House Substitute to SB 82. He took the well to speak to the bill, which allows for a referendum vote on the incorporation of the city of Dunwoody.

Sen. **Ronald Ramsey** of the 43rd took the well to speak against the bill and voice dissatisfaction with the House Substitute to SB 82.

The Senate agreed to the House Substitute to SB 82 by a vote of 36 to 13.

Sen. **Ed Harbison** of the 15th moved that the Senate disagree to the House Amendment to SB 345. The bill makes it easier for children of military personnel to transfer to a new school. There was no objection.

Sen. **Bill Cowsert** of the 46th moved that the Senate agree to the House Substitute to SB 352 as amended.

Sen. **Cowsert** took the well to present the bill, which makes changes to the legislature's oversight of the Environmental Protection Division. Amendment 1 combines SB 352 with SB 445, which both make changes to the legislature's role within the Administrative Procedures Act. He yielded to questions from Sen. **Thompson** of the 33rd.

The motion passed by a vote of 47 to 1.

Sen. **Bill Hamrick** of the 30th moved to disagree to the House Substitute to SB 430, which allows the Georgia Bureau of Investigation to compare DNA samples obtained from an investigation to samples collected from evidentiary materials. There was no objection.

Sen. **Hill** of the 4th moved to suspend the Senate rules so that HB 990, the FY 09 general appropriations act, could be read for the first time. There was no objection.

Following the morning announcements, Majority Leader **Tommie Williams** of the 19th moved that the Senate stand in recess until 12:00 a.m., then adjourn until 10:00 a.m. on Thursday, March 27.

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